

REMARKS

Claims 1-18 and 20-25 are pending. Reconsideration and withdrawal of the rejections set forth in the Office Action dated February 13, 2004, are respectfully requested.

I. Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-18 and 20-25 under 35 U.S.C. § 103(a). The following table provides specific information regarding the Examiner's § 103 rejections:

| Claims | § 103 Rejections |
|-----------------------------------|---|
| 1, 2, 3, 7-16, 21, 22, 24, and 25 | Over U.S. Patent No. 5,727,950 ("Cook") in view of www.real.com , RealPlayer Basic, November 8, 1999. ("RealPlayer"). |
| 18 | Over Cook in view of RealPlayer in further view of U.S. Patent No. 6,505,031 ("Slider"). |
| 4, 6, 17, 20, and 23 | Over Cook in view of RealPlayer in further view of U.S. Patent No. 6,347,943 ("Fields"). |
| 5 | Over Cook in view of RealPlayer in further view of Fields in further view of Slider. |

II. The 37 CFR § 1.131 Declaration Filed on 4/02/03 Removes RealPlayer as a Reference

On April 2, 2003, applicant seasonably presented a Declaration under CFR § 1.131 that established an invention date prior to August 27, 1999, the filing date of U.S. Patent No. 6,470,171 ("Helmick"), which the Examiner had previously relied upon to reject the claims in an Office Action mailed December 2, 2002.

The date of the RealPlayer reference is November 8, 1999. Accordingly, the Declaration filed on April 2, 2003, which establishes an invention date prior to August 27, 1999, is also applicable to remove the RealPlayer reference.

As explained in detail in the April 2, 2003 Declaration, the inventor believes he possessed either the whole invention as claimed in claims 1-18 and 20-25, or something fairly falling within the claims prior to November 8, 1999, the date of the RealPlayer reference. The facts presented in the Declaration carry with them any variations and adaptations that would have been obvious at the same time, to one of ordinary skill in the art. MPEP § 715.02. Thus, despite any minor difference between the facts presented in the Declaration and the claims, the inventor believes he conceived of the claimed invention before the date of the RealPlayer reference. Additionally, the inventor diligently reduced the invention to practice, as he explained in the Declaration.

The RealPlayer reference was relied upon in rejecting each of the pending claims. As the pending claims can no longer be rejected based on the RealPlayer reference, applicant respectfully request that the Examiner reconsider the pending claims for allowance.

Despite the previously submitted Declaration, the claims nevertheless are patentable because the applied references, either alone in combination, do not disclose the claimed system and method. For example, neither Cook nor Real Player disclose the following elements:

- one or more client computers coupled to the computerized network, wherein each client computer provides a client selection for a remote educational course;
- a server computer system coupled to the computerized network, wherein the server computer system includes:
 - at least one server computer for receiving the selection for the remote educational course, retrieving one or more executable applications relevant to the selected course and providing the executable applications to each client computer;

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a data storage device coupled to the server computer having a database from which the server computer retrieves data relevant to the selected course; and

wherein the server computer is configured to provide a virtual picture frame, wherein the virtual picture frame is configured to be displayed in addition to a browser window, wherein the virtual picture frame surrounds the data relevant to the selected course and includes one or more buttons with associated links to the executable applications on the client computer, and wherein at least one of the executable applications automatically provides customized executable problems associated with the selected course in response to user selection of one of the buttons.

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the prior art. A Notice of Allowance is, therefore, respectfully requested. Examiner Sotomayor is encouraged to contact the undersigned by telephone at (206)359-3925 to discuss the Declaration and/or the distinctions between the claims and the applied references if desired.

Respectfully submitted,
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